

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff/Respondent,

v.

THOMAS LEE MERCER,

Defendant/Movant,

CASE NO. 07-20167

09-13350

Hon. Lawrence P. Zatkoff

Magistrate Judge Paul Komives

**OPINION AND ORDER ADOPTING MAGISTRATE
JUDGE'S REPORT AND RECOMMENDATION**

Defendant, a federal prisoner proceeding *pro se*, filed a 28 U.S.C. § 2255 motion to vacate, set aside or correct his sentence. This matter is currently before the Court on Magistrate Judge Paul Komives' Report and Recommendation (Docket #44), wherein the Magistrate Judge recommends that Defendant's motion be denied and that this Court also deny Defendant a certificate of appealability. Defendant timely filed objections to the Report and Recommendation.

After a thorough review of the court file (including the undersigned's notes from Defendant's plea hearing and sentencing and all filings associated with the same), the Report and Recommendation, and Defendant's objections to the Report and Recommendation, this Court will adopt the Report and Recommendation and enter it as the findings and conclusions of this Court.

Therefore, for the reasons stated above, Defendant's 28 U.S.C. § 2255 motion is DENIED and the Court also DENIES Defendant a certificate of appealability. Judgment shall be entered accordingly.

IT IS SO ORDERED.

S/Lawrence P. Zatkoff

LAWRENCE P. ZATKOFF

UNITED STATES DISTRICT JUDGE

Dated: May 24, 2010

CERTIFICATE OF SERVICE

The undersigned certifies that a copy of this Order was served upon the attorneys of record by electronic or U.S. mail on May 24, 2010.

S/Marie E. Verlinde

Case Manager
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